

**AGENDA ITEM:** Regional Library Network Development

**ISSUES TO COME BEFORE THE BOARD AT THIS MEETING:**

1. Consider the change of status of the identified community colleges from participating libraries of their districts to member libraries.
2. Review Attorney General's Opinion.
3. Review of Regional Plans of Service

**RECOMMENDED MOTION FOR CONSIDERATION BY THE BOARD:** I move that the Library of California Board approve the change in status from participating library to member library for the 4 community colleges listed in Table A, and this change will be effective retroactively to the date of the original Board approval of each library's membership.

**ISSUE 1:** Community College Libraries

**BACKGROUND:**

At the February Board meeting, staff reported on the legal opinion that colleges, and particularly community colleges were able to become members individually or as part of their parent organization. As a result of this opinion, staff advised the Board that they would be contacting community colleges, their districts, and the regional library networks to establish memberships in the manner desired by these entities.

At this meeting, four community colleges have requested a change in status and their regional library networks have forwarded their completed requests to the Board for approval. As this change is in compliance with legal advice from Paul Smith, staff is recommending that the Board approve these changes. Staff also recommends that the status change be effective retroactively to the date of the original Board acceptance of each library's membership.

<p align="center"><b>Table A</b></p> <p align="center"><b>Community Colleges Requesting Status Change</b></p> <p align="center"><b>From Participating Library to Member</b></p>
---

**Arroyo Seco:**

Los Angeles City College		Currently participating libraries of the Los Angeles Community College District
Los Angeles Valley College		

**Golden Gateway:**

Evergreen Valley College		Currently participating libraries of the San Jose/Evergreen Community College District
San Jose City College		

Included with this Document as Exhibit A is the revised membership data table for regional membership which reflects the changes to membership proposed in this Document.

**Recommendation:**

Staff is recommending approval of these community colleges as members of the Library of California, and that their status be changed to reflect membership from their initial dates of approval.

**ISSUE 2:** Review Attorney General's Opinion.

**BACKGROUND:**

At the November 2000 Board meeting, the Board discussed issues relating to CLSA systems becoming members of Regional Library Networks. Following discussion of both the issues and potential questions, the Board passed a motion:

to direct its Chief Executive Officer to request an opinion from the Attorney General's Office on transition issues concerning CLSA Systems as identified in the Library of California Act and the California Library Services Act, to prepare reports to the Board on the progress of this request and the outcomes from it; and that a subcommittee of the Board be charged to develop and submit specific questions on which an opinion will be sought.

By Mid-January 2001, the State Librarian requested an opinion from the Attorney General's office, which included specific questions. These questions were developed by a Board subcommittee of President Dawe and former Board member Michael Spence, working with staff members Cameron Robertson, Paul Smith, Mark Parker, and Diana Paque. During February 2001, the State Library was asked to provide at least thirty

names of individuals with potential interest in the opinion. These names were provided to the Attorney General's Office, and they selected individuals to contact from that list. Respondents were asked to answer the same questions that the State Library had posed to the Attorney General, and responses were to be submitted by April 1, 2001. Exhibit B is the opinion returned by the Attorney General's Office, received by the State Library on July 10, 2001.

Provided below is the background information included as part of the November 2000 Board packet:

### **CLSA System Issues**

As the regional library networks have developed and organized, a number of issues have been identified which have required additional information to resolve. Discussions have occurred within the context of regional planning meetings, regional contacts meetings, and a variety of other settings where staff, board members, and regional participants have dealt with the issues involved with moving the LoC from an act on paper into a functioning program. The CLSA Transition Committee has discussed a number of these issues, and heard from both staff and regional contacts on the issues relative to moving from one act to the other. Of particular concern now is an issue regarding the definition and role of CLSA systems.

Prior to the August Board meeting, applications for LoC membership were received from 5 current CLSA systems. These organizations were and are applying for membership in the Library of California as special libraries. At the time, staff requested an opinion from CSL general counsel Paul Smith. He advised staff that it would take time for him to develop an opinion, so consideration of these 5 membership applications was held over from the August Board meeting.

Following that meeting, staff met again with Paul Smith who advised them that he considered it wise to request an Attorney General's opinion, rather than for him to issue one. This advice centered around what he perceived as the potential for litigation, and his concern that his issuing an opinion would potentially negatively impact any future actions that the Attorney General's Office might need to take.

As a result, staff and Board President Dawe and Vice President Fong deliberated about possible courses of action. It was decided that committee discussion as well as board discussion should occur as part of the process of developing the scope and contents of the questions to be posed to the Attorney General, as well as to determine if this is the best course of action for the Board to take.

Following is a brief outline of the issues relating to CLSA Systems and LoC Membership.

**Reimbursement issue:** For many years CLSA systems have participated directly in ILL reimbursement even though they were not public libraries as defined under the Act. At least one system collects ILL reimbursement for rotating book or non-print collections among its member libraries. Because they receive reimbursement under CLSA, they will continue to receive it whether or not they became LoC members as long as the CLSA ILL program lasts. When LoC transitions the CLSA program into its own ILL reimbursement program, it is likely that reimbursements will be for LoC members only. This would exclude CLSA cooperative systems if they were not LoC members.

**Voice in the future of regional development issue:** CLSA systems expect to continue to provide library services in their service areas. The level of their participation in the planning of the regional library networks and the status of some of them as fiscal agents or as network service providers has demonstrated this. If they do not become members of the LoC, they will not have the ability to receive membership benefits. They could provide continued input to the region as an associated entity or as a contractor, but without being a member, they could not serve on the Board or participate in the Council.

**Legal authority and definition of library issue:** Under CLSA and other applicable legislation cooperative systems are not defined as libraries, either public or non-public. However, under joint powers agreements under which most of the CLSA systems are formed, member libraries may delegate to the system the ability to act on their behalf. Because the LoC Act does not recognize cooperative systems specifically as libraries, their membership in the LoC would likely be on the assumption that they are special libraries or as information organizations.

Does a cooperative system meet the definition of a special library, information agency, or member library within the guidelines established by the LoC Act? The LoC Act states:

#### Section 18801 General Provisions

(9) The special library is a primary source of information and research resources related to its specific mission or the purpose of its parent organization which may be a corporation, hospital, legal organization or other institution.

#### Section 18810 Definitions

(f) "Information agencies" means institutions that provide or preserve, or both, information resources, such as archives, historical societies, libraries, and museums.

(g) "Institution" means a business or corporation, college, correctional facility, education agency, governmental agency, hospital, not-for-profit organization, professional association, school district, or other organized group that is authorized by law and that operates one or more libraries.

These libraries would be academic, school, or special libraries located in California. For the purposes of this act, if an institution is a member of a regional library network and a library of that institution decides to participate in a regional library network and meets the eligibility standards, but is located within the geographic boundaries of a network that is different from the network within which the institution is located, that library shall be a participating library in the regional network within which it is located.

(v) "Special library" means a library that is maintained by a parent organization to serve a specialized clientele; or an independent library that may provide specialized materials or services, or both, in a specific subject to the public, a segment of the public, or other libraries. It is maintained by an association, business or corporation, government agency, research institution, learned society, not-for-profit organization, professional association, museum, industrial enterprise, chamber of commerce, or other organized group and is characterized by its depth of subject coverage.

### **Section 18830 – Eligible Libraries**

18830. (a) Libraries in public library jurisdictions that are members of a regional library network and libraries in institutions that are members of a regional library network are eligible to receive services under this chapter and to become participating libraries. The board of governance or the appropriate administrative authority for each academic library, public library, school library, and special library that decides to join a regional library network shall take official Action to approve network membership. That local governing agency or appropriate administrative authority shall agree not to reduce funding for library services as a result of network participation. Each public library jurisdiction, school district, university or college, and institution or corporation, or agency or branch thereof, may become a member of a regional library network. A public library jurisdiction not a member of the California Library Service Act public library system on the effective date of this section, and an institution, shall have at least one library that agrees to be a participating library and meets the following eligibility standards:

- (1) A written explicit mission statement and service objectives.
- (2) A fixed location in California.
- (3) Established hours of service.
- (4) An organized collection of information and materials accessible for use by its primary clientele.
- (5) Designated, onsite, paid staff for library services. At least one staff person shall have a master's degree in library or information science or a California library media teacher credential issued by the Commission on Teacher Credentialing, but equivalent graduate education or demonstrated professional experience may be

substituted for this requirement. The eligibility determination will be made by the regional library network.

(6) An established funding base.

**Legal documents creating CLSA systems:** In reviewing the issue of CLSA system membership in the LoC, State Library Counsel Paul Smith identified a potential issue related to the legal documents under which CLSA systems were created and to which their members agreed. Depending upon the language in each CLSA system formation documents, there may be a direct reference to the CLSA Act. When the CLSA Act sunsets, systems might lose their legal basis and would therefore need to reorganize if they were to continue as legal entities. Not all CLSA systems were formed as JPA's, so prior to requesting an opinion, all system formation documents would need to be analyzed for potential questions and implications.

Given the significance of the legal formation documents issue and the issue related to the legal status of CLSA systems as libraries under the LoC Act, an Attorney General's opinion regarding the CLSA systems would be more definitive than an opinion rendered by State Library Counsel. Based on the Attorney General's opinion, the Board may choose to seek a legislative remedy by reopening the LoC Act should the opinion identify problems created by language in the LoC Act.

**Recommendation:**

Paul Smith, the State Library's legal counsel will be attending the August 2001 Board meeting and will provide further information to the Board. As the Board and staff have not had the opportunity to discuss and review the opinion, staff is recommending that Board members review the opinion and have questions and concerns developed to discuss with counsel at the meeting. Staff is also recommending that they be authorized to review the opinion and the membership requests received from the five CLSA systems, and present the Board with further comments and potential recommendations for action at the November Board meeting.

**ISSUE 3:** Review of Regional Plans of Service

**BACKGROUND:**

At the June 2001 Board Meeting, the Board approved Plans of Service for 2001/02 for each Regional Library Network. At that time, staff indicated that Plans of Service would be reviewed in more depth, and a presentation would be made to the Board in August. Since that time, staff has reviewed the Plans of Service to:

- identify common service delivery programs among the regions;
- begin to identify standards of service that are relevant and reasonable; and
- identify measures that will demonstrate when standards are met.

The model plan used by the Regional Library Networks was very general in structure and did not specify particular details. The openness of this planning model yielded a rich

variety of responses. Some service activities (e.g. training) were categorized in different sections, and there was almost universal variation in the applied definitions of *Standard* and *Measure*. A valuable outcome, therefore, of this first Plan of Service effort is the description of the pattern of services that will be or are offered by the Regional Library Networks—how the delivered services are described and where these services are classified in the plan.

Another value is that this group of plans demonstrates several areas that need clarification and organization. For example, where in the Plan of Service Interlibrary Loan is discussed, it varies among regions. Another example is training, which is emerging as a primary component of the Reference Services focus, but which perhaps should be treated as a component of the Training and Continuing Education section. Another question: will recruitment of new members belong with Administration or with Public Awareness? From staff's examination of the plans and discussion of them with Regional Library Network Contacts, staff will develop a model plan template for 2002/03 that will facilitate comparison of similar activities, verification of the delivery of mandated services, and eventually the generation of standards and measures for the various service activities. The goal is to develop relevant, reasonable regulations that will allow for regional variations while providing a consistent quality of service, and service measurement, statewide.

## REVIEW PROCESS

Data in Exhibit C was compiled by the Network Resources Consultant and reviewed by the Library of California Team. Each staff Regional Library Network liaison paid particular attention to the information provided for their regions, to confirm the accuracy of interpretation and accuracy of the information derived from the regional plans.

Because of the wide variation in structure of the Plans, information was extracted and re-ordered in *Standard* and *Measure* format. The information may or may not have been labeled as a *Standard* or a *Measure* in every Plan. Language was, in some instances, paraphrased or condensed to illuminate relevant components of the plan within a small space. Interpretation of each plan's content was confined to identifying less obvious *standard and measure* content from the narrative description of the whole program or service. What has been included in the table are the brief descriptions of *standards* and *measures* gleaned from regional plans, plus an identifier for which region used the *standard* or *measure*. No attempt has been made to analyze the validity or relevance of the information presented, or to define or recommend *standards* or *measures* for any activity.

The table was shared with the Regional Library Network contacts group on July 30, 2001. Regional contacts were requested to review the table and discuss both the information presented and *standards* and *measures* to be applied to their regional programs and services, and provide input to staff on the outcomes of these reviews. The contacts decided that they would meet again prior to the November Board meeting to work together on determining what programs and services should be placed in what LoC

program element, and to begin to develop consistent measures that all regions could use in creating their 2002/03 plans of service.

#### NEXT STEPS

Using this draft table as a starting point, staff plans to work with Regional Contacts to analyze the information provided, develop mechanisms for evaluating services and programs, and determine elements that should be collected as statistical measures. It is hoped that this draft statement of our understanding will provide a point from which to begin analysis and evaluation of the Plan of Service document and of the LOC services to be delivered.

Staff anticipates working with the Regional Library Network contacts to:

- Review, correct, and complete the draft table,
- Propose and consider common ranges of *Standards* and *Measures* based on comments for further testing, evaluation, modification
- Evaluate activities, standards, measures for relevance to current state of technology, etc.
- Propose and consider core service elements,
- Develop model year-end-report format, including identification of statistics to be both collected and reported,
- Develop common definitions to enable comparison of services offered in each region,
- Draft Standards and Measures and other enabling description in preparation for developing Regulations for Regional Library Network services.

---

#### **RELATED ISSUES TO COME BEFORE THE BOARD IN THE FUTURE:**

1. Discuss and consider outcomes resulting from review of the Attorney General's opinion on CLSA system transition issues.
2. Consider modification of status of community colleges from participating libraries to members of regional library networks.
3. Consider additional membership/participating library applications from institutions and/or public library jurisdictions.
4. Consider transitional issues related to regional library network services.
5. Discuss and consider standards and measures for regional library network services and programs.

Relevant Committee: Support Services

Staff Liaison: Diana Paque/Cathie Helmick



## Regional Library Network Membership as of the August 2001 Board Meeting

	Region I: Cascade Pacific	Region II: Golden Gateway	Region III: Sierra Valley	Region IV: Arroyo Seco	Region V: Tierra del Sol	Region VI: Heartland	Region VII: Gold Coast	TOTAL
<b>Academic</b>								
Colleges/Universities	9	45	15	44	24	11	14	162
Participating Libraries	9	60	22	70	38	13	16	228
<b>Public</b>								
Library Jurisdictions	13	46	21	41	31	9	7	168
Participating Libraries	68	239	134	274	164	95	49	1023
<b>School</b>								
Districts/Independent	13	34	20	29	15	15	7	133
Participating Libraries	22	82	48	112	48	56	10	378
<b>Special</b>								
Agencies	4	26	21	14	22	11	16	114
Participating Libraries	4	28	23	20	26	12	17	130
<b>Regional Totals</b>	Region I:	Region II:	Region III:	Region IV:	Region V:	Region VI:	Region VII:	TOTAL
Members	39	151	77	128	92	46	44	577
Participating Libraries	103	409	227	476	276	176	92	1759